

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:03cr00349-012
)	
Plaintiff,)	JUDGE: JAMES S. GWIN
)	
vs.)	ORDER ON SUPERVISED
)	RELEASE VIOLATION AND
BRADFORD GIMENEZ,)	ORDER TO FILE WAIVER
)	UNDER SEAL
Defendant.)	

This matter was heard on November 26, 2013, upon the request of the United States Pretrial and Probation Office for a finding that defendant violated the conditions of supervised release. The defendant was present and represented by Attorney Carolyn Kucharski.

The Court was presented with a Waiver of Conflict of Interest to be executed and filed on behalf of defendant concerning his representation by Attorney Kucharski. Defendant acknowledged he was familiar with the circumstances, had no concerns with regard to his representation by Attorney Kucharski and knowingly and voluntarily waived any conflict of interest. The Court ordered that the waiver be filed under seal.

The original violation report was referred to Magistrate Judge George J. Limbert who issued a Report and Recommendation on November 8, 2013 [Doc. 373]. No objections were filed by either plaintiff or defendant.

The Court adopted the Report and Recommendation and found that the following terms of supervision had been violated:

- 1) unlawful drug use;
- 2) new law violation;
- 3) association with known felons;
- 4) failure to notify probation office of arrest within 72 hours;
- 5) failure to report for drug testing.

Therefore, after consideration of the 3553(a) factors, the defendant was committed to the Bureau of Prisons for a term of 10 months with credit for time served in federal custody on the instant violations. Upon release from incarceration defendant's federal supervised release shall terminate.

The defendant is remanded to the custody of the U.S. Marshal, Cleveland, Ohio.

Dated: November 26, 2013

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE